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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,086	04/08/2004	Walter R. Miranda	6570/91729	8979

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EXAMINER

NEWTON, JARED W

ART UNIT PAPER NUMBER

3634

DATE MAILED: 12/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/821,086	MIRANDA ET AL.	
	Examiner	Art Unit	
	Jared W. Newton	3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 08 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 and 8-12 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,085,901 to Lin.

In regard to claim 1, Lin discloses a golf club mount assembly comprising a support member 2, a cradle 4 mounted to the support member 2, the cradle 4 having a curvilinear surface 42 forming first and second upwardly curving arcuate support arms separated from one another by a trough 41, each of the support arms defining an uppermost portion with the trough 41 between the support arms, the cradle 4 configured such that the support arm uppermost portions are non-linear relative to one another through the trough, wherein a golf club is receivable in the cradle resting against the support arms and with the shaft extending downwardly from about the trough 41 (see FIGS. 2 and 4-A).

In regard to claims 2 and 3, Lin further discloses said cradle 4 being reversible and formed having continuous mirror image first and second support arms and a continuous mirror image trough 41 on along the side of the cradle, such that a first side of the cradle 4 is configured for supporting a left-handed club when the cradle is in a

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first position, and wherein the opposing side of the cradle is configured for supporting a right-handed club when the cradle is rotated to a second position from the first position (see FIGS. 2 and 4-A).

In regard to claim 4, Lin further discloses said cradle being movable about the support member 2 for switching the cradle from a right-handed club support to a left-handed club support (see FIG. 4-A).

In regard to claim 8, Lin further discloses said support member comprising a rod 2, and wherein the cradle includes a bore 44 configured for receipt of the rod, the cradle being pivotable about the rod for reversing the rod between the left-handed club supporting position and the right-handed club supporting position (see FIG. 2).

In regard to claim 9, Lin further discloses said support member 2 being configured for receipt of a plurality of cradles 4 mounted thereto in alignment with one another (see FIG. 2).

In regard to claim 10, Lin further discloses said support member including a rod 2, wherein the plurality of cradles 4 are mounted to the rod (see FIG. 2).

In regard to claim 11, Lin further discloses each of the plurality of cradles 4 being pivotable about the rod 2 independent of each other cradle 4 (see FIG. 2).

In regard to claim 12, Lin further discloses said assembly comprising the limitations of claim 1, wherein a line between the support arms and through the trough 41 is formed with an angle at the trough of about 90 degrees to about 120 degrees (see FIG. 2).

Claims 1 and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent Application Publication No. 2004/0140281 to Kutzke.

In regard to claim 1, Kutzke discloses a wall mounted towel holder comprising a support member (wall); and at least one cradle 1 mounted to the wall, the cradle having first and second upwardly curving arcuate support arms 4 separated from one another by a trough, each of the support arms defining an uppermost portion with the trough between the arms, the cradle 1 configured such that the support arm uppermost portions are non-linear relative to one another through the trough, wherein a golf club is capable of being positioned in the cradle resting against the support arms and with the shaft extending downwardly from about the trough (see FIG. 10).

In regard to claim 5, Kutzke further discloses the holder comprising the limitations of claim 1, said holder further comprising a peak 2 defined between the first and second upwardly curving arcuate support arms in the trough, and wherein if a club is positioned in the cradle 1, the club will rest on the peak 2 and against the support arms 4 (see FIG. 10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 7 rejected under 35 U.S.C. 103(a) as being unpatentable over '901 to Lin as applied to claims 1-4 and 8-12 above, and further in view of US Patent No. 4,086,678 to Torr.

In regard to claims 6 and 7, Lin discloses a device comprising all of the limitations of claim 1 as set forth above. Lin does not disclose a said support arms comprising a plurality of ribs extending from said support arms, wherein said ribs are formed traverse to said spine.

Torr discloses a golf club cleaning device 10 comprising a back spine 11 and a plurality of ribs 16 extending from and traversing the length of said back spine 11 (see FIGS. 1 and 3). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the device as disclosed by Lin with the extending ribs from a spine as disclosed by Torr, so that the ribs extend outward from and across the support arms of said device. The motivation for the combination of the club holding device and the ribs would be to provide the club holding device with a means of cleaning debris from the club head and clubface grooves. It would be an obvious improvement to include debris-collecting ribs on the device as disclosed by Lin, so that the clubs could be stored and cleaned throughout a round of golf, and then the individual cradles could be removed after the round and cleaned separately.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jared W. Newton whose telephone number is (571) 272-2952. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JWN
December 16, 2005



RICHARD E. CHILCOT, JR.
SUPERVISORY PATENT EXAMINER